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10/591,167	08/30/2006	Francescantonio Melara	23985	6047

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GARDEN CITY, NY 11530

EXAMINER

O'BRIEN, JEFFREY D

ART UNIT

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DELIVERY MODE

06/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Information Disclosure Statement***

1. Regarding the Information Disclosure Statement (IDS), Applicant has expressed confusion with regards to objections made in the previous office actions. The appropriate citations are repeated below, but further explained herein.
2. Applicant has included numerous patent citations in the disclosure that are not included on the IDS. All of these citations **MUST** be listed on and IDS as by including them in the specification, Applicant has already admitted to previous knowledge of these references.
3. Applicant's IDS filed 8/30/2006 fails to provide a legible copy of each of the foreign patent documents. A copy is required under 37 CFR 1.98(a)(2). Applicant should include a copy of each foreign patent listed on the previous IDS as well as any listed on any subsequently filed IDS to conform with the deficiency described above with respect to the listing of references in the specification.
4. **The listing of references in the specification is not a proper information disclosure statement.** 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
5. The information disclosure statement filed 8/30/2006 fails to comply with 37 CFR 1.98(a)(2), which requires **a legible copy of each cited foreign patent document;** each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Response to Arguments***

6. Applicant's arguments filed 6/2/2009 have been considered but they are not persuasive.
7. Regarding Claim 29, Applicant argues that the structure related to interlocking and non-rotatably securing the separately formed tubular element and seat are not matters of design choice because the references do not disclose related structure that is functionally equivalent. '329 however discloses tubular portions formed integrally with a through seat formed in the body. This integral formation holds the tubular elements portions and seat non-rotatably to one another. This is therefore a functionally equivalent structure. It is therefore maintained that the keyed elements (flat portions on the tubular element and seat) as well as annular protrusions and ridges which serve the purpose of non-rotatably securing the tubular element and seat to one another would be an obvious design choice of the integrally formed tubular element and seat taught by '329.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Supervisory Patent Examiner, Art Unit 3677

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